

In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.W.P.No. 10692 of 2006
Decided on Oct 26,2006.

Khanauri Bus Service (Regd) Khanauri --- Petitioner

vs.

The State Transport Appellate Tribunal, Punjab etc ---Respondents

Coram: Hon'ble Mr.Justice Jasbir Singh
Hon'ble Mr.Justice Pritam Pal

Present: Mr.Arihant Jain,Advocate, for the petitioner

Mr. P.S.Chhina,Addl.A.G.Punjab.

Mr.Baldev Kapoor,Advocate,for respondent No.3.

Jasbir Singh J:(Oral)

This writ petition has been filed with a prayer to quash order dated July 12,2006, Annexure P-10, passed by respondent No.1.

When notice of motion was issued in this writ petition, following contention of counsel for the petitioner was noticed by this Court on July 18,2006:-

“ Counsel for the petitioner contends that route permit, granted in favour of the petitioner, was cancelled by the appellate authority, for non-payment of taxes, by the petitioner. By referring to Annexures P/5 and P/6, counsel states that dues were cleared before passing of the order, under challenge”.

A perusal of the record reveals that primarily, the decision was rendered against the petitioner, on the ground that the

petitioner is in arrears of taxes, which fact is wrong and counsel for the respondents have failed to controvert the same.

In view of the above, we feel that judgment passed by the Tribunal, deserves to be set aside. We order accordingly. Matter is remitted to the Tribunal, to decide the appeal afresh on merits on all counts, after hearing both the parties.

Parties are directed to appear before the Tribunal, on November 10,2006. It will be highly appreciated if the appeal is disposed of by the Tribunal below, within two months from the date when the parties appear before it.

(Jasbir Singh)
Judge

Oct 26,2006,
RR

(Pritam Pal)
Judge